

### In the Claims

Applicants submit herewith a marked-up version of the claims. Applicants request entry of the changes shown on the marked-up version of the claims, whereby claims 1-35 are cancelled, without prejudice, and new claims 36-46 are entered.

The submitted marked-up versions of the claims follows standard amendment rules, wherein added text has been underlined and deleted text has been bracketed. The status of each claim is provided.

### Remarks to Amended and New Claims

Claims 36-46 are new. Claims 36-46 are very similar to those claims previously prosecuted and issued in the companion application 09/514,907 (now US Patent 6,567,705); however with the following notable changes. First, the claims have been directed to an implantable system for delivering a predetermined genetic material or protein to a selected location of a patient's heart. Support for claiming an implantable system can be found in cancelled claims 22-25, 26-30, and 31-35 and throughout the specification. In addition, Applicants have removed the requirement for a sensor in the system (which now appears as a dependent claim 59) and prosecute that aspect of Applicant's invention directed to an implantable system delivering the genetic material or protein to the heart.